

New Jersey

SOURCE: New Jersey Administrative Code 7:9-B (Chapter 9B. Surface Water Quality Standards), as amended May 18, 1998: http://www.state.nj.us/dep/watershedmgt/swqs/98swqs_web.pdf

7:9B-1.4 Definitions

"Anadromous fish" means fish that spend most of their life in saline waters and migrate to fresh waters to spawn.

"Aquatic substrata" means soil material and associated biota underlying the water.

"Biota" means the animal and plant life of an ecosystem; flora and fauna collectively.

"Diadromous fish" means fish that spend most of their life in one type of water, either fresh or saline, and migrate to the other type to spawn.

"FW1" means those fresh waters, as designated in N.J.A.C. 7:9B-1.15(h) Table 6, that are to be maintained in their natural state of quality (set aside for posterity) and not subjected to any man-made wastewater discharges or increases in runoff from anthropogenic activities. These waters are set aside for posterity because of their clarity, color, scenic setting, other characteristic of aesthetic value, unique ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).

"FW2" means the general surface water classification applied to those fresh waters that are not designated as FW1 or Pinelands Waters.

"Important species" means species that are commercially valuable (for example, within the top 10 species landed, by dollar value); recreationally valuable; threatened or endangered; critical to the organization and/or maintenance of the ecosystem; or other species necessary in the food web for the well-being of the species identified in this definition.

"Measurable changes" means changes measured or determined by a biological, chemical, physical, or analytical method, conducted in accordance with USEPA approved methods as identified in 40 C.F.R. 136 or other analytical methods (for example, mathematical models, ecological indices) approved by the Department, that might adversely impact a water use (including, but not limited to, aesthetics).

"Natural water quality" means the water quality that would exist in a waterway or a waterbody without the addition of water or waterborne substances from artificial origin.

"Outstanding National Resource Waters" means high quality waters that constitute an outstanding national resource (for example, waters of National/State Parks and Wildlife Refuges and waters of exceptional recreational or ecological significance) as designated in N.J.A.C. 7:9B-1.15(i).

"SC" means the general surface water classification applied to coastal saline waters.

"SE" means the general surface water classification applied to saline waters of estuaries.

"Trout maintenance waters" means waters designated at N.J.A.C. 7:9B-1.15(b) through (g) for the support of trout throughout the year.

"Trout production waters" means waters designated at N.J.A.C. 7:9B-1.15(b) through (g) for use by trout for spawning or nursery purposes during their first summer.

7:9B-1.5 Statements of policy

(a) General policies are as follows:

2. Water is vital to life and comprises an invaluable natural resource which is not to be abused by any segment of the State's population or economy. It is the policy of the State to restore, maintain and enhance the chemical, physical and biological integrity of its waters, to protect the public health, to safeguard the aquatic biota, protect scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial, agricultural and other reasonable uses of the State's waters.
3. Toxic substances in waters of the State shall not be at levels that are toxic to humans or the aquatic biota, or that bioaccumulate in the aquatic biota so as to render them unfit for human consumption.

(f) Bioassay and biomonitoring policies are as follows:

1. Bioassay test species selection criteria follow:
 - i. The objective of the Department is to use test species for toxicity testing bioassays that are representative of the more sensitive aquatic biota from the different trophic levels of the waters in question.
 - ii. Test species need not be indigenous to, nor occur in the waters in question.
 - iii. When the bioassay test protocol being utilized falls under the scope of N.J.A.C. 7:18 the Department shall designate the approved representative species considered to be the most sensitive to the discharge.
2. Acute definitive bioassay tests, in accordance with N.J.A.C. 7:18, will normally be utilized in determining the toxicity of a discharge to the aquatic biota.
3. The Department, in order to further characterize the toxicity of a discharge, may allow or require the use of other procedures including, but not limited to:
 - iii. Measures of the structure and function of the aquatic community in the receiving waters.

7:9B-1.12 Designated uses of FW1, PL, FW2, SE1, SE2, SE3, and SC waters

(a) In all FW1 waters the designated uses are:

1. Set aside for posterity to represent the natural aquatic environment and its associated biota;
3. Maintenance, migration and propagation of the natural and established aquatic biota...

(b) In all PL waters the designated uses are:

2. Maintenance, migration and propagation of the natural and established biota indigenous to this unique ecological system;...

(c) In all FW2 waters the designated uses are:

1. Maintenance, migration and propagation of the natural and established biota...

(d) In all SE1 waters the designated uses are:

2. Maintenance, migration and propagation of the natural and established biota....

- (e) In all SE2 waters the designated uses are:
 - 1. Maintenance, migration and propagation of the natural and established biota;
 - 2. Migration of diadromous fish;
 - 3. Maintenance of wildlife;...
- (f) In all SE3 waters the designated uses are:
 - 2. Maintenance and migration of fish populations;
 - 3. Migration of diadromous fish;
 - 4. Maintenance of wildlife;...
- (g) In all SC waters the designated uses are:
 - 1. Maintenance, migration and propagation of the natural and established biota;...